

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK F. WIRFEL, :
Petitioner, :
v. : Civil Action No. 02-25J
SUPERINTENDENT, S.C.I. ALBION, :
Respondent :
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on June 15, 2006, docket no. 10, recommending that the petition for a writ of habeas corpus be denied as untimely, and that a certificate of appealability be denied.

The parties were notified pursuant to 28 U.S.C. § 636(b)(1), that they had ten days to serve and file written objections to the Report and Recommendation. Petitioner filed timely objections, docket no. 11, on June 22, 2006. I have reviewed the objections, but reject them.

After de novo review of the record of this matter, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 30th day of June, 2006, it is
ORDERED that the petitioner's petition for a writ of
habeas corpus is denied. A certificate of appealability is denied.
The Report and Recommendation is adopted as the opinion of the
Court. The Clerk shall mark this matter closed.

BY THE COURT:



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

Mark F. Wirfel GC-1450
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